

Message Text

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SUBJECT: STATUS OF FRG DRAFT LAW ON PRISONER EXCHANGE

REF: BONN 1173 (NOTAL)

BEGIN SUMMARY: FRG JUSTICE MINISTRY HAS EXPERIENCED
CONSIDERABLE SLIPPAGE IN WORK ON DRAFT LAW TO ENABLE
THE FRG TO ENTER INTO PRISONER EXCHANGE AGREEMENTS WITH
OTHER STATES. WHILE JUSTICE MINISTRY DRAFT IS NOW
BEING HANDLED AS AN URGENT MATTER, IN PART BECAUSE OF
INCREASING PRESSURE FROM THE BUNDESTAG, FEDERAL INTER-
AGENCY COORDINATION AND NEED FOR LAENDER APPROVAL OF
LAW, MAKES ITS SUBMISSION AS A GOVERNMENT BILL TO THE
BUNDESTAG UNLIKELY BEFORE SPRING 1979. END SUMMARY

1. IN REFTEL THE EMBASSY REPORTED THAT THE DRAFT LAW
REQUIRED FOR THE FRG TO BE ABLE TO NEGOTIATE AND
CONCLUDE PRISONER EXCHANGE AGREEMENTS WITH THE UNITED
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STATES AND OTHER COUNTRIES WAS EXPECTED TO BE IN A FORM
READY FOR SUBMISSION TO THE FRG PARLIAMENT IN JUNE OR
JULY 1978.

2. IN RESPONSE TO EMBOFF INQUIRY JUNE 14, FRG JUSTICE
MINISTRY REP (WALTER) STATED THAT VARIOUS PARTS OF THE
JUSTICE MINISTRY HAD COMMENTED ON AN INITIAL DRAFT OF

THE LAW. HIS SUPERIOR, POETZ, HEAD OF THE SECTION FOR INTERNATIONAL CRIMINAL LAW, HAD BEEN ASSIGNED THE JOB OF PULLING TOGETHER THE INTERNAL JUSTICE MINISTRY COMMENTS INTO A REVISED DRAFT. THE JUSTICE MINISTRY HAD TAKEN THE UNUSUAL STEP OF TEMPORARILY RELIEVING POETZ OF HIS OTHER RESPONSIBILITIES AND PERMITTING HIM TO WORK UP THIS REVISED DRAFT AT HOME.

3. URGENCY AFTER CONSIDERABLE SLIPPAGE WITHIN THE MINISTRY WAS PROMPTED BY INCREASING FRG PARLIAMENTARY PRESSURE FOR THIS LAW WHICH WOULD ENABLE THE FRG TO CONCLUDE PRISONER EXCHANGE AGREEMENTS. OF PARTICULAR INTEREST WOULD BE SUCH AN AGREEMENT WITH TURKEY WHERE NUMEROUS FRG NATIONALS ARE LANGUISHING IN JAIL AFTER RECEIVING VERY STIFF SENTENCES FOR RELATIVELY MINOR DRUG OFFENSES.

4. ONCE JUSTICE MINISTRY HAD COMPLETED ITS DRAFT OF THE LAW, IT WOULD BE TRANSMITTED TO THE INTERIOR AND FINANCE MINISTRIES AS WELL AS THE FOREIGN OFFICE, AND WHEN THE COMMENTS OF THESE OTHER MINISTRIES HAD BEEN CONSIDERED AND INCORPORATED AS APPROPRIATE, THE RESULTING FINAL DRAFT WOULD BE SENT TO THE VARIOUS LAENDER OF THE FRG FOR THEIR APPROVAL.

5. ONLY AFTER THE LAENDER HAVE COMMENTED AND BASICALLY APPROVED THE DRAFT LAW WOULD IT BE READY FOR LIMITED OFFICIAL USE

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SUBMISSION TO THE PARLIAMENT FOR ENACTMENT. WALTER SAID THAT HE DID NOT EXPECT SUBMISSION TO THE BUNDESTAG TO BE MUCH BEFORE APRIL/MAY 1979.
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